

REMARKS

Applicants amend claims 1 and 7 and add new claims 15-20. Accordingly, claims 1, 2 and 5-20 are all the claims pending in the application. Newly added claims are at least supported by pages 4 and 5 of the specification. No new matter is added.

Claim rejections under 35 U.S.C. § 103(a)

Claims 1-2, 5-10 and 13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Galis et al. (U.S. Patent No. 5,175,800) in view of Carter (U.S. Patent No. 7,130,898) and further in view of Helgren et al. (U.S. Patent No. 7,051,243; hereinafter "Helgren").

Claim 11 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Galis and Carter in view of Helgren and further in view Newton (Newton's Telecom Dictionary, VPN, page 982,983).

Claim 12 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Galis and Carter in view of Helgren and further in view of Ballantine et al. (U.S. Patent No. 6,446,123).

Claim 14 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Galis and Carter in view of Helgren and further in view of Abaye et al. (U.S. Patent No. 7,024,475; hereinafter "Abaye").

Applicants traverse the rejection for at least the following reasons.

Claim 1 recites, *inter alia*, “the technology rules determine technology to use in the implementation of the service based on attributes of the service and equipment in the network.” The Examiner acknowledges that Galis does not teach or suggest these features of claim 1 recited above, but asserts that newly cited reference Helgren allegedly discloses these features missing in Galis and Carter. Applicants respectfully disagree for at least the following reasons.

Helgren is directed to identifying known problems or issues with hardware and/or software configuration of computer systems (column 1, lines 6-10). Helgren discloses a system (and method) that evaluates system configuration information against one or more configuration recommendations or rules. This system uses a rules-based problem detection application for the evaluation process to generate results regarding any problems identified. The rules may be any information identifying a known issue or describing a recommended or best practice configuration for the software or hardware component. However, Helgren does not teach or suggest the technology rules determine technology to use in the implementation of the service based on attributes of the service and equipment in the network.

Specifically, Helgren discloses a knowledge based language or a programming language analyzer to specify the rules, and thus, signify pattern in the rules (column 2, lines 20-29). Further, Helgren discloses a system and method for identifying problems with a system configuration that evaluate system configuration against one or more configuration recommendations or rules. The configuration of such systems may include various types of software and hardware components which may impact the operation of the computer system (column 3, lines 54-57 and 63-67). Also, Helgren discloses that rules data may include

information for identifying configuration issues, i.e., recommended configuration for the software and hardware component (column 4, lines 1-9 and lines 29-50). However, these cited portions of the references merely disclose evaluation of system configuration information against one or more configuration rules for identifying problems, and does not teach or suggest the technology rules determine technology to use in the implementation of the service based on attributes of the service and equipment in the network.

That is, even assuming *arguendo* that Helgren appears to disclose configuration rules for software and hardware components, it does not teach or suggest anything about determining technology to use in the service being created. Moreover, Helgren does not teach or suggest determining technology to use in the service being created based on attributes of the service and equipment in the network.

Furthermore, even if, *assuming arguendo*, Helgren and Carter were to be combined, the combination still fails to teach or suggest the technology rules determine technology to use in the implementation of the service based on attributes of the service and equipment in the network. In particular, Helgren discloses configuration rules for software and hardware components and Carter discloses invocation of services provided by a service application. However, even if these teachings of Helgren and Carter were to be combined, the result of the combination does not teach or suggest configuration rules for the invocation of service based on attributes of the service and equipment in the network. That is, the combination of the configuration rules for hardware and software components of Helgren with the invocation of service of Carter does not result in an element that discloses the claimed feature of specifying how to determine technology

to use in the service being created based on attributes of the service and equipment in the network.

On page 5, paragraphs 1 and 2 of the Office Action, the Examiner asserts that “it would have been obvious to one of ordinary skill in the art that [*sic*] the time the invention was made to incorporate specifying how to determine technology to use based on the store attributes of equipment (i.e., recommendation), as taught by, Helgren et al. into the system of Galis et al. as modified by Carter for the purpose of identifying potential problems with a system configuration (Helgren; column 2, lines 1-19), therein by avoiding potential problems with the system configuration.” Applicants respectfully disagree for at least the following reasons.

Applicants respectfully submit that even though Helgren discloses identifying problems with a system configuration and rules for describing a recommended configuration of the software or hardware component, there is no reason why one of ordinary skill in the art would have been motivated to combine this teaching of Helgren with the mechanism for facilitating the invocation of a service of Carter. In fact, since Carter discloses that the user provides a service definition for the service that includes the protocols to use to invoke the service (page 3, lines 22-23), one of ordinary skill in the art would not have been motivated to determine the technology to use based on attributes of the service and equipment in the network. That is, it would be unnecessary to determine the technology (i.e., protocol) to use based on the service and equipment since Carter system discloses that the user provides service definition including the protocol information.

Additionally, Galis, Carter and Helgren, alone or in combination, do not teach or suggest the “inferring means correlates the service rules with the technology rules” and “the service is defined by the service rules independently of the technology and specification of the network equipment.”

Furthermore, in the arguments submitted with the March 31, 2009 Amendment, Applicants submitted that since Galis does not even teach or suggest creating a service using service rules and implementation rules, one of ordinary skill in the art would not have been motivated to modify the teaching of Galis to incorporate the features of invocation of a service disclosed in Carter. That is, the Examiner’s reasoning for combining Galis and Carter is based on the features that are only disclosed in Carter (i.e., to include invocation of service to simply invoke a service). As such, there is no suggestion for modifying the teachings of Galis as asserted by the Examiner. Moreover, Applicants submit that the phrase “simplifying the invocation a service” is broad and vague, and does not convey how incorporating invocation of service of Carter into Galis simplifies invocation of a service. In response, the Examiner contends that “Galis et al. clearly teaches the creating and configuring of a computer network and Carter teach the creating and configuring of network services. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Carter and Galis, since both concern the configuration of networked systems and as such, both are within the same environment.” Applicants respectfully disagree with the Examiner for at least the following reasons.

Applicants respectfully submit that, even if, assuming *arguendo*, Galis discloses configuring computer network and Carter discloses configuring network services as contended by the Examiner, Galis and Carter clearly are directed to two different fields. In particular, since one reference discloses configuration of computer networks and other reference discloses configuration of services, it would not be proper to assert that both reference are concerned with configuration of networked systems and therefore are within the same environment. Moreover, since Galis and Carter disclose configuration of different elements, it would not have be obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carter and Galis.

In addition, in response to the Applicant's argument regarding the motivation to combine as "broad and vague" the Examiner states that "it would have been obvious to one of ordinary skill in the art that [*sic*] the time the invention was made to incorporate invocation of a service, as taught by, Carter into the system of Galis et al. for the purpose facilitating the invocation of a service by automating the process (Carter, Column 2 lines 50-56), thereby simplifying the service definition process such that a relatively low skilled end user can perform it." Applicants disagree with the Examiner for at least the following reasons.

Applicants respectfully submit that since Galis does not even teach or suggest creating a service, there is no reason or motivation for one of ordinary skill in the art to modify the teachings of Galis to incorporate invocation of a service for the purpose facilitating the invocation of a service by automating the process (Carter, Column 2 lines 50-56), thereby simplifying the service definition process such that a relatively low skilled end user can perform

it. That is, since Galis does not even teach or suggest creating of service, there would be no need to simplify the service definition process. Therefore, the Examiner's proposed modification would have been obvious to one of ordinary skill in the art at the time of the invention.

In view of the above, Applicants respectfully submit that claim 1 is allowable over the cited reference.

Claims 2, 5-10 and 13

Applicants respectfully submit that dependent claims 2, 5-10 and 13 are allowable at least by virtue of their dependency and the additional features recited therein.

Claim 11, 12 and 14

Applicants respectfully submit that since Newton, Ballantine and Abaye do not cure the deficiencies discussed above regarding claim 1 and since claims 11, 12 and 14 depend from claim 1, these claims are allowable at least by virtue of their dependency and the additional features recited therein.

New claims

Applicants submit that claims 15-20 depend from claim 1, and therefore is allowable at least by virtue of their dependency and the additional features recited therein.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/629,682

Attorney Docket No.: Q76276

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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